

REMARKS:**I. Introduction**

In the Office Action mailed on January 31, 2006, the Examiner rejected claims 1 to 20. This Amendment cancels claims 2, 9, and 10, amends claims 1 and 3, and adds no new claims. Accordingly, claims 1, 3 to 8, and 11 to 20 are now pending in this application.

II. Drawing Objections

The drawings were objected to under 37 C.F.R. 1.83 (a) because the drawings must show every feature of the invention specified in the claims. The examiner stated that "as it stands currently, the crosshatching of each portion is the same (see Fig. 8). Submitted herewith is a replacement sheet including a corrected FIG. 8 where the crosshatching of each portion is different. Reconsideration and withdrawal of the objection is requested.

III. Claim Objections

The Examiner objected to claim 10 because of an informality. Claim 10 has been cancelled. Reconsideration and withdrawal of the objection is requested.

IV. Claim Rejections Based on 35 U.S.C. § 102

The Examiner rejected claims 1, 2, and 4 to 6 under 35. U.S.C. 102(b) as anticipated by Pena (US 5,820,497).

Independent claim 1 has been amended to include the subject matter of claim 9 which has been cancelled. Reconsideration and withdrawal of the rejection is requested

V. Claim Rejections Based on 35 U.S.C. § 103

(a) The Examiner rejected claims 1 to 4, 6, 8 to 14, 16, and 18 to 20 under 35. U.S.C. 103(a) as unpatentable over Venegas Jr. et al (US 5,261,647) in view of Graham (US 6,520,461). The Examiner states that Graham teaches a leg support having a plastic foot having "reinforcing ribs to deform and slidably receive a sleeve in a friction fit manner" (Col 2, Lines 24-28) and "Because the ribs deform, it is inherent that the connection portion has a hardness less than that of the bearing portion since it is not an intrinsic material property and

the fact that hardness can refer to resistance to bending, different thicknesses of one material result in a different hardness." The Examiner also states that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the metal stanchion portion of Venegas Jr. et al to be constructed of plastic and have the reinforcing rib portions of Graham because that would allow for the foot to be deformed and slidably received in the leg in a friction fit manner."

The Examiner states that "because the ribs deform, it is inherent that the connection portion has a hardness less than that of the bearing portion." Applicant does not disagree with this statement. Nor does applicant disagree that "different thicknesses of one material result in a different hardness" for the component, where hardness can have the meaning "resistance to bending". However, the claims do not refer to hardness of the connection portion and the hardness of the bearing portion. The claims require a first material hardness of the first material forming the bearing portion to be greater than the second material hardness of the second material forming the connection portion. Material hardness is universally understood by those skilled in the art to mean resistance to plastic deformation by indentation, scratching, abrasion or cutting. More specifically, when dealing with plastic materials, material hardness is universally understood by those skilled in the art to mean resistance to plastic deformation by indentation. Material hardness of plastics is universally understood to be measured by standard testing procedures such as, for example Shore or Durometer tests. Thus, unlike hardness of components, material hardness remains the same regardless of the shape or thickness of the component. Graham makes no mention of forming the ribs of a material having a material hardness different than the material hardness of the material forming the remainder of the housing. For a feature or property to be inherent, it must absolutely be present. Such is not the case here. A possible scenario is that the Graham housing is molded of a single plastic material having a single material hardness, even though the ribs have a hardness less than the remainder of the housing due to differences in component geometry.

Independent claims 1, 11, and 20, and claims dependent therefrom, are allowable because they each include the limitation of "wherein a first material forming the bearing portion has a first material hardness greater than a second material hardness of a second material forming the connecting portion". No prior art of record reasonably discloses or suggests the

present invention as now defined by independent claims 1, 11, 20. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 7, 15, and 17 under 35. U.S.C. 103(a) as unpatentable over Venegas Jr. et al (US 5,261,647) in view of Graham (US 6,520,461) and further in view of Pena (US 5,820,497).

Dependent claims 7, 15, and 17 are allowable as depending from allowable independent claims as discussed above and independently allowable for novel and nonobvious matter contained therein. As to claims 7 and 17, the Examiner stated that Pena discloses a bearing portion (6,7, 8) "wherein inner and outer edges of the lower bearing surface being free of sharp corners (since the bearing portions are circular, there are no corners, hence the surface is free of sharp corners." Applicant disagrees that a circular-shaped bearing portion cannot have an edge forming a sharp corner. In fact the "upper surface 6 and the "lower surface" 7 of Pena each clearly form sharp corners (see Figs 1 and 2). The sharp corners as shown in Pena is one of the things that the present invention avoids in order to reduce damage to the roof. As to claim 15, Pena discloses having an opening in a member 5 to receive an anchor (6,7,8) to rigidly secure the member 5 to the ground 3 so that the tube 1 can be releasably secured to the ground. This penetration of the bearing surface is yet another one of the things that the present invention avoids in order to reduce damage to the roof.

VI. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our
Deposit Account No. 16-2326.

Respectfully submitted,



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April 27, 2006

Re. Application Number 10/784,139

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